

REMARKS

Applicants and Applicants' attorney express appreciation to the Examiner for the courtesies extended during the recent interview held on August 15, 2007. Reconsideration and allowance for the above-identified application are now respectfully requested in view of the foregoing amendments and the following remarks. Claims 29-41 are pending, wherein claims 1-17, 20 and 25-28 have been cancelled and replaced with new claims 29-41. The following chart shows the approximate relationship between the old and new claims:

<u>NEW CLAIMS</u>	<u>OLD CLAIMS</u>
29	14, 16, 17
30	8
31	New
32	12
33	13
34	New
35	11, 13
36	7, 8
37	9
38	New
39	9
40	10
41	2, 5

In addition to the foregoing, support for new claims 29-34 and 36-40 is shown in Figure 9a and the accompanying discussion in the specification.

As discussed and agreed to during the examiner interview, independent claim 29, as presented and modified during the examiner interview, defines a suture separation and organization device having a combination of features which are neither taught nor suggested in the art of record. For example, the device 20R shown in Figure 2 of Axelson (US 5,860,980), which was relied on to reject the claims, does not include any structure corresponding to a device that includes, in combination with the other features recited in claim 29, a first plurality of suture retention recesses or protrusions disposed on an upper perimeter of said body and a second

plurality of retention recesses or protrusions disposed on a lower perimeter of said body. Nor would it have been obvious to modify device 20R to include these structures inasmuch as device 20R is not designed for use in separating and organizing a plurality of suture strands. It is instead described as one of "two different femoral positioning jigs 20R, 20L". Col. 5, lines 31-32. Because device 20R is not designed or intended for use in organizing suture strands, one of skill in the art would not have been motivated to modify the device 20R of Axelson to obtain the suture separation and organization device of claim 29.

Similarly, device 50 shown in Figure 4 of Fanger (US 2004/0204717), which was relied on to reject the claims, does not include any structure corresponding to a device that includes, in combination with the other features recited in claim 29, a hollow post guide projecting from said second surface of said body so as to maintain space between a patient's leg and said second surface of said body when said suture separation and organization device is in use. Nor would it have been obvious to modify device 50 to include this structure inasmuch as device 50 is not designed for use in separating and organizing a plurality of suture strands. It is instead described as a "spinal fixation plate 50". Paragraph [0044]. Because device 50 is not designed or intended for use in organizing suture strands, one of skill in the art would not have been motivated to modify the device 50 of Fanger to obtain the suture separation and organization device of claim 29.

Dependent claims 30-34 depend from claim 29 and are therefore patentable for at least those reasons given above with respect to claim 29. Claims 30-34 recite additional structure that may further distinguish over the art of record.

Independent claim 35 alternatively claims a tensioning system for applying variable tension to a plurality of suture strands attached to a soft tissue graft positioned within a bone tunnel and for organizing the suture strands preparatory to fastening the soft tissue graft within the bone tunnel. It was agreed that claim 35, as discussed and modified during the examiner interview, would distinguish over the art of record. Axelson discloses a surgical apparatus for use in total knee arthroplasty. Axelson also discloses different femoral positioning jigs 20R and 20L, which do not appear to be positionable relative to the tensioning apparatus 12 so as to provide any structure or means for separating and organizing tensioning suture strands attached to a soft tissue graft and which emerge from a bone tunnel. Moreover, because femoral positioning jigs 20R and 20L are not designed or intended for use in separating and organizing tensioned

suture strands, it would not have obvious to modify them to include the combination of features of the suture separation and organization device defined in claim 35.

Fanger, on the other hand, has nothing to do with joint repair surgery and therefore fails to teach or suggest a system that includes the combination of a graft tensioning device having adjustable tensioning means and a suture separation and organization device. Moreover one would not have been motivated to combine the teachings of Axelson and Fanger to obtain the system of claim 35.

Claims 36-41 depend from claim 35 and are therefore patentable for at least those reasons given above with respect to claim 35. Claims 36-41 recite additional structure that may further distinguish over the art of record.

In the event the Examiner finds any remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview or which may be overcome by examiner amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 17th day of August 2007.

Respectfully submitted,



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